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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,489	02/12/2002	Brian N. Tufte	1076.1101108	9019

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EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,489

Applicant(s)

TUFTE, BRIAN N.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11, 14, 15, 17, 22, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) 8, 12, 13, 16 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20030509.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on October 14, 2003 has been entered. Claims 1-17 have been amended. Claims 8-21 have been cancelled. Claims 22-25 have been added. Claims 1-17 and 22-25 are still pending in this application, with claims 1, 22 and 25 being independent.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*kitchen appliance for use in food preparation*" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2875

3. Claims 1-4, 10, 11, 14, 15, 22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by KOCH et al. (U.S. Pat. No. 3,612,848).

Koch et al. discloses an illumination device having :

- **an elongated light source**, Figure 2, reference number 20;
- **a housing**, Figure 2, reference number 21:
- **the housing having an elongated cavity extending along at least a portion of the housing**, column 1, lines 45-48;
- **the cavity being for receiving the elongated light source**, column 1, lines 48-50;
- **the cavity being at least partially defined by a first material**, Figure 2, reference numbers 22 and 23;
- **the first material being at least partially transparent**, column 1, lines 45-48;
- **the first material extending to an outer surface of the housing**, Figure 2;
- **the housing including a second material**, Figure 2, reference number 24;
- **the second material being substantially non-transparent**, column 1, lines 50-52;
- **the second material being at least partially reflective**, inherent;
- **the cavity being a closed cavity**, Figure 2; and

- **the illumination device being used in a household kitchen appliance used for food preparation**, column 1, lines 29-33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOCH et al. (U.S. Pat. No. 3,612,848) in view of LUCKIESH (U.S. Pat. No. 2,339,085).

Koch et al. discloses an illumination device having:

- **an elongated light source**, Figure 2, reference number 20;
- **a housing**, Figure 2, reference number 21:
- **the housing having an elongated cavity extending along at least a portion of the housing**, column 1, lines 45-48;
- **the cavity being for receiving the elongated light source**, column 1, lines 48-50;
- **the cavity being at least partially defined by a first material**, Figure 2, reference numbers 22 and 23;
- **the first material being at least partially transparent**, column 1, lines 45-48;

Art Unit: 2875

- **the first material extending to an outer surface of the housing,**
Figure 2;
- **the housing including a second material,** Figure 2, reference
number 24;
- **the second material being substantially non-transparent,**
column 1, lines 50-52;
- **the second material being at least partially reflective,** inherent;
and
- **the illumination device being used in a household kitchen
appliance used for food preparation,** column 1, lines 29-33..

Koch et al. discloses all the limitations of the claims, except the second material being parabolic in shape to reflect light toward the outer surface of the housing.

Luckiesh discloses an illumination device for a refrigerator, such device having :

- **an elongated light source,** Figure 2, reference number 15;
- **a housing for receiving the elongated light source,** Figure 2,
reference number 18:
- **the housing including a reflector for reflecting light toward the
outside of the housing** Figure 2, reference number 16;
- **the reflector being parabolic in shape,** column 2, lines 20-24.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to shape the second material of Koch et al. as the

Art Unit: 2875

parabolic reflector of Luckiesh to increase the efficiency of the illumination device as taught by Luckiesh.

In addition, the Examiner takes Official Notice that the use of reflectors and lenses, is old and well known in the art. Such reflectors and lenses are generally used to collect and redirect light from a light source to a desired target of illumination, thereby increasing the efficiency of such illumination devices.

5. Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOCH et al. (U.S. Pat. No. 3,612,848).

Koch et al. discloses an illumination device having:

- **an elongated light source**, Figure 2, reference number 20;
- **a housing**, Figure 2, reference number 21:
- **the housing having an elongated cavity extending along at least a portion of the housing**, column 1, lines 45-48;
- **the cavity being for receiving the elongated light source**, column 1, lines 48-50;
- **the cavity being at least partially defined by a first material**, Figure 2, reference numbers 22 and 23;
- **the first material being at least partially transparent**, column 1, lines 45-48;
- **the first material extending to an outer surface of the housing**, Figure 2;

Art Unit: 2875

- **the housing including a second material**, Figure 2, reference number 24;
- **the second material being substantially non-transparent**, column 1, lines 50-52;
- **the second material being at least partially reflective**, inherent; and
- **the illumination device being used in a household kitchen appliance used for food preparation**, column 1, lines 29-33..

Koch et al. discloses all the limitations of the claims, except the light source being an electroluminescent wire (ELEW).

The examiner takes Official Notice that the use of ELEW is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an ELEW for the elongated light source in the system of Koch et al.. One would have been motivated since ELEW are recognized in the illumination art to have many desirable advantages, including high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over KOCH et al. (U.S. Pat. No. 3,612,848) in view of SHARPE (U.S. Pat. 3,028,208)

Koch et al. discloses an illumination device having:

- **an elongated light source**, Figure 2, reference number 20;
- **a housing**, Figure 2, reference number 21:

- **the housing having an elongated cavity extending along at least a portion of the housing**, column 1, lines 45-48;
- **the cavity being for receiving the elongated light source**, column 1, lines 48-50;
- **the cavity being at least partially defined by a first material**, Figure 2, reference numbers 22 and 23;
- **the first material being at least partially transparent**, column 1, lines 45-48;
- **the first material extending to an outer surface of the housing**, Figure 2; and
- **the illumination device being used in a household kitchen appliance used for food preparation**, column 1, lines 29-33..

Koch et al. discloses all the limitations of the claims, except the kitchen appliance having a switch for turning the light source on and/or off.

Sharpe discloses a refrigerator illumination device having:

- **an elongated light source**, Figure 2, reference number 35;
- **a housing**, Figure 2, reference number 17:
- **the housing having an elongated cavity extending along at least a portion of the housing**, inherent;
- **the cavity being for receiving the elongated light source**, column 3, lines 53-56;
- **a switch**, Figure 2, reference number 36; and

- **the switch being for turning the light source on and/or off,**
column 4, lines 1-7.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the switch of Sharpe in the apparatus of Koch et al. to provide means to turn the light on and/or of as per the teachings of Sharpe (column 4, lines 1-7).

Allowable Subject Matter

7. Claims 8, 12, 13, 16 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a kitchen appliance for use in food preparation, having an elongated light source, a housing having an elongated cavity that is adapted to receive the light source. The light emitted by the elongated light source is visible by a user when the kitchen appliance is used for food preparation. The kitchen appliance produces one or more signals, such signals turning the elongated light source on and/or off. In addition, the kitchen appliance could be a toaster.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the kitchen appliance producing

Art Unit: 2875

one or more signals for turning the light source on and/or off, or the appliance being a toaster.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

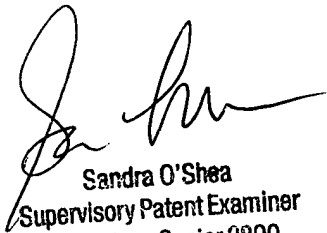
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800



Inr

January 23, 2004